



COMMITTEE STATEMENT

**Opening Statement of Rep. Virginia Foxx (R-NC), Republican Leader
Education and Labor Committee, Full Committee Markup:
“H.R. 3110, Providing Urgent Maternal Protections for Nursing Mothers Act;
H.R. 2062, Protecting Older Workers Against Discrimination Act”
May 27, 2021**

(As prepared for delivery)

“As I have said before, it is disappointing and unnecessary that we are having yet another remote markup, especially in light of the new CDC guidance. As Members of Congress, we can, and should, be showing the American people that safely returning to doing our jobs in person is possible by holding this markup in our committee room in Washington, D.C., where I am today.

“Speaking of leading the way, the bills before us today are also less than exemplary. While I believe they address important issues, they fall short in practice. The American people deserve better.

“Let me be clear: Committee Republicans believe that discrimination in any form is wrong. It is illegal in the United States and has been for decades, as it should be. Older Americans and nursing mothers can face unique challenges in the workplace, but there are already laws in effect preventing employers from discriminating against these workers.

“These bills are counterproductive. We’ll start with the PUMP for Nursing Mothers Act.

“Committee Republicans believe nursing mothers deserve adequate protections in the workplace. The Fair Labor Standards Act already requires employers to accommodate working mothers in hourly jobs who need time and a private space to pump breast milk while at work.

“Additionally, now, more than ever, we need to advocate for flexible workplace policies that improve conditions for, and empower, working mothers.

“Unfortunately, this bill is not a step in that direction. It takes a sweeping and more punitive route, creating extra hurdles and penalties for employers that are both unworkable and unnecessary. This is no way to empower women or facilitate their participation in the workforce.

“H.R. 3110 takes a one-size-fits-all approach, treating all nursing mothers and workplaces as if they are all the same. Certainly, nursing mothers working remotely or in unique workplace environments such as transportation and farm operations have different needs than those working in an office or a warehouse. Failing to account for these differences will not help women in the least. It will make it more difficult for employers to create a work environment that meets the needs of working mothers.

“The excessive penalties on employers for non-compliance mandated by the bill, coupled with its sweeping coverage, will encourage frivolous lawsuits by trial lawyers instead of improving working conditions for mothers. Yet again, Democrats have conveniently 'marketed' their trial lawyer payoff as a win for nursing mothers.

“The Protecting Older Workers Against Discrimination Act also falls short.

“This proposed bill from Committee Democrats purports to help older workers. What it really does is further the Democrat pro-trial lawyer agenda under the guise of protection.

“H.R. 2062 goes far beyond age discrimination cases and impacts disability and retaliation cases.

“Congress purposefully enacted separate nondiscrimination statutes, including one specifically pertaining to age discrimination. Multiple Supreme Court decisions have affirmed that age discrimination involves unique and complex factors. But H.R. 2062 overturns this. The bill changes the law to allow employees to claim that age was not the decisive cause of the employer’s decision, making it much easier for an employee to get past the summary judgment stage of

litigation even if the claim is dubious. However, this change in the law will not benefit older workers.

“Democrats argue that making it easier to sue for discrimination will benefit older American workers. But under H.R. 2062, a successful plaintiff will most likely receive no monetary award or other relief from the defendant, while the plaintiff’s attorney will be awarded fees and the plaintiff could owe income tax on those fees. The bill gives trial lawyers endless paydays at the expense of the hard-working people it purports to help.

“Additionally, an increase in lawsuits will reduce or redirect important resources that could otherwise be used to combat workplace discrimination. As such, this bill will not help the workers it purports to benefit.

“H.R. 2062 is misguided, and it lacks thoughtful deliberation for older workers and the other workers affected by the bill. Democrats have not shown any data or evidence that the changes in the bill are even necessary. It’s no wonder that they rushed it through the Committee without thorough review.

“Mr. Chairman, the legislation before us today represents big wins for Democrat special interests, namely trial lawyers, not working-class America. Our country is the land of opportunity because everyone, from all ages and walks of life, has the chance to participate and prosper. These bills, rather than successfully address real-world problems, will only enrich the Democrats’ political allies. I strongly urge a no vote on these bills.”

###